(Ireland.)

A

B I L L

For consolidating and amending the Laws in *Ireland*, relative to Malicious Injuries to Property.

WHEREAS in the last Session of Parliament, an Act was passed for consolidating and amending the Laws in *England*, relative to Malicious Injuries to Property; and it is expedient that provision should be made in *Ireland* for the like purpose; BE it therefore Enacted by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, THAT this present Act, and the several matters therein contained, shall extend to *Ireland*, and not to *England*, *Wales* or *Scotland*; and that this Act shall commence and take effect in *Ireland*, on the day of

Preamble. 7, 8 Geo. IV. c. 30.

Commencement of Act.

And be it Enacted, That if any person shall unlawfully and maliciously set fire to any church, chapel or place for religious worship, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, maltbouse, hop oast, barn, hay-yard, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in possession of the offender, or in the possession of any other person, every such offender shall be guilty of and being convicted thereof, shall suffer

Setting fire to Church, Chapel, House, or Out-buildings, felony, with death.

And be it Enacted, That if any person shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy,

Destroying, or forcibly entering any

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Destroying Machines or Machinery in other manufactures, or Threshing Machines, &c. felony, with transportation for years, &c.

And be it Enacted, That if any person shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy, or to render useless, any threshing machine, or any machine or engine, whether fixed or moveable, or any tool or implement prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, mohair or cotton goods, or goods of any one or more of those materials, mixed with each other, or mixed with any other material, or any frame-work knitted piece, stocking-hose or lace), every such offender shall be guilty of and being convicted thereof, shall be liable, at the discretion of the court, to be transported beyond the seas, for the term of years, or to be imprisoned for any term not exceeding years, and if a male, to be or publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Penalty on Journeymen, &c. spoiling goods or work, 5 *l.* to the party grieved.

And be it Enacted, That if any artificer, workman, journeyman, apprentice, servant or labourer, shall wilfully and unlawfully damage, spoil or destroy any goods, wares or work committed to his care or charge, without the consent of the person by whom he shall be hired, retained or employed, every such offender being lawfully convicted thereof, before any Justice or Justices of the peace, shall forfeit and pay such sum of money as shall appear to the Justice or Justices to be a reasonable compensation for the damage, injury, spoil or destruction, so committed,

place with intent to destroy Silk, Woollen, Linen or Cotton goods in the Loom, &c. or any Machinery belonging to such manufactures, &c. felony, punishable with transportation for life, &c.

or to render useless any goods or article of silk, woollen, linen, mohair, or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any frame-work knitted piece, stocking-hose or lace respectively, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process or progress of manufacture, or shall unlawfully and maliciously cut, break or destroy, or damage with intent to destroy, or to render useless any warp or shute of silk, woollen, linen, mohair or cotton, or of any one or more of those materials mixed with each other, or mixed with any other material, or any loom, frame, machine, engine, rack, tackle, tool or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, or shall by force enter into any house, shop, building or place, with intent to commit any of the offences aforesaid, every such offender shall be guilty of and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas, for or for any term not less than years, or to be imprisoned for any term not exceeding years, and if a male to be or publicly or privately whipped, (if the Court shall so think fit), in addition to such imprisonment.

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committed, not exceeding in any case, the sum of pounds, which sum of money shall be paid to the party grieved; and every person so convicted, shall in default of immediate payment, be committed to the gaol of the county of the city or town, or to the house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding calendar months.

Setting fire to a Coal Mine, felony, with death.

And be it Enacted, That if any person shall unlawfully and maliciously set fire to any mine of coal, canal coal, every such offender shall be guilty of and being convicted, thereof, shall suffer

Drowning any Mine, or filling up any Shaft, &c. with intent to destroy the Mine, felony, punishable by transportation, &c.

And be it Enacted, That if any person shall unlawfully and maliciously cause any water to be conveyed into any mine, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine, or to hinder or delay the working thereof, or shall with the like intent unlawfully and maliciously pull down, fill up or obstruct any air-way, water-way, drain, pit, level or shaft of or belonging to any mine, every such offender shall be guilty of and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of years, or to be imprisoned for any term not exceeding years, and if a male, to be or publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment: Provided always, That nothing hereinbefore contained shall extend to any damage committed under ground, by any owner of any adjoining mine, in working the same, or by any person duly employed in such working.

Proviso for damage from adjoining mine.

Destroying any Engine, erection, &c. used in any Mine, felony, punishable by transportation.

And be it Enacted, That if any person shall unlawfully and maliciously pull down or destroy, or damage with intent to destroy, or to render useless any steam-engine, or other engine, or any shaft, passage, drain or level for sinking draining or working any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, waggon-way or trunk for conveying minerals from any mine, whether such engine, staith, building, erection, bridge, waggon-way or trunk be completed, or in an unfinished state, every such offender shall be guilty of and being convicted thereof shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned.

Setting fire to or destroying a Ship, felony, with death.

And be it Enacted, That if any person shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away or in anywise destroy any ship or

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vessel, every such offender shall be guilty of and being convicted thereof shall suffer

Damaging a Ship, otherwise than by fire, felony, punishable by transportation.

And be it Enacted, That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of years, or to be imprisoned for any term not exceeding years, and if a male to be or publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Exhibiting false Signals, destroying a shipwrecked Vessel or Cargo, &c. or forcibly impeding Men from saving their lives, felony, with death.

And be it Enacted, That if any person shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tendering to the immediate loss or destruction of any ship or vessel in distress, or shall destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded or cast on shore, or shall destroy any goods, merchandise or articles of any kind, belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same), every such offender shall be guilty of and being convicted thereof shall suffer

Destroying any Sea Bank, &c. or Works on any River or Canal, felony, with transportation for life, &c

And be it Enacted, That if any person shall unlawfully and maliciously break down or cut down any sea-bank or sea-wall, or the bank or wall of any river, canal or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, undermine or otherwise destroy, any lock, sluice, weir, funnel, towing-path, floodgate, aqueduct, reservoir, cut, dam, drain, watercourse or other work, on any navigable river or canal, every such person shall be guilty of and being convicted thereof shall be liable, at the discretion of the Court, to be transported beyond the seas for or for any term not less than years, or to be imprisoned for any term not exceeding years, and, if a male to be or publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Removing the Piles of any Sea Bank, &c. or doing any damage to obstruct the navigation of a River or Canal, felony,

And be it Enacted, That if any person shall unlawfully and maliciously cut off, draw up or remove any piles, chalk or other materials, fixed in the ground and used for securing any sea bank or sea wall, or the bank or wall of any river, canal or marsh, or shall unlawfully and maliciously open or draw up any floodgate, or do any other injury or mischief to any

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any navigable river or canal, with intent, and so as thereby to obstruct or prevent the carrying on, completing or maintaining the navigation thereof, every such offeoder shall be guilty of and being convicted thereof, shall he liahle, at the discretion of the Court, to be traosported beyond the seas for the term of years, or to be imprisoned for any term not exceeding years; and, if a male, to he or publicly or privately whipped (if the Court shall so think fit), in additioo to such imprisonment.

with seven years transportation.

And be it Enacted, Tbat if any person shall unlawfully and maliciously pull down or in anywise destroy any public bridge, or do any injury, with inteot and so as therehy to render such bridge, or any part thereof, dangerous or impassable, every such offender shall be guilty of and heing convicted thereof, shall he liable, at the discretion of the Court, to be transported beyond the seas for or for any term not less than years, or to he imprisoned for any term not exceeding years, and, if a male, to he or publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Injuring public Bridges, felony, with transportation for life, &c.

And he it Enacted, That if any person shall unlawfully and maliciously throw down, level, or otherwise destroy, in whole or in part, any turnpike gate, or any wall, chain, rail, post, har, or other feoce belongiog to aoy turnpike gate, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or Acts of Parliament relating theretn, or any bouse, huilding or weighing engine, erected for the better collection, ascertainment nr security of any such toll, every such offender shall he guilty of and being convicted tbereof, shall he punished accordingly.

Destroying a Turnpike Gate, Toll-house, &c. misdemeanor, punishable accordingly.

And be it Enacted, That if any person shall unlawfully and maliciously hreak down or ntherwise destroy the dam of any fish-pond, or of any water which shall he private property, or in which there sball he any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as tbereby to canse tbe loss or destruction of any of the fish; or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish therein; or shall unlawfully and maliciously break down or otherwise destroy the dam of any mill-pond, every such offender sball be guilty of and being convicted thereof, sball be liable, at the discretion of the Court, to he transported beyond the seas for the term of years, or to be imprisoned for any term, uot exceeding years, and if a male, to he or publicly or privately whipped (if the Court shall so think fit,) in addition to such imprisonment.

Breaking down the Dam of a Fishery, &c. or Mill Dam, misdemeanor, punishable by transportation, &c.

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Killing or maiming Cattle, felony, with death.

And be it Enacted, That if any person shall unlawfully and maliciously kill, maim or wound any cattle, every such offender shall be guilty of and being convicted thereof, shall suffer

Setting fire to Stack of Corn, &c. felony, with death; to certain Crops, Plantations, and Heath, felony, with transportation.

And be it Enacted, That if any person shall unlawfully and maliciously set fire to any stack of corn, grain, pulse, straw, hay, coals, turf, charcoal or wood, every such offender shall be guilty of and being convicted thereof, shall suffer and if any person shall unlawfully and maliciously set fire to any crop of corn, grain or pulse, whether standing or cut down, or to any part of a wood, coppice or plantation of trees, wheresoever the same may be growing, every such offender shall be guilty of and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas, for the term of years, or to be imprisoned for any term, not exceeding years, and if a male, to be or publicly or privately whipped (if the Court shall so think fit,) in addition to such imprisonment.

Destroying or damaging Trees, Shrubs, &c. by Night, felony, with transportation.

And be it Enacted, That if any person shall unlawfully and maliciously, between sunset and sunrise, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, every such offender shall be guilty of and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas, for the term of years, or to be imprisoned for any term not exceeding years, and if a male, to be or publicly or privately whipped, (if the Court shall so think fit,) in addition to such imprisonment; and if any person shall, between sunrise and sunset, unlawfully and maliciously cut, break, bark, root up or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, (in case the amount of the injury done shall exceed the sum of pounds,) every such offender shall be guilty of and being convicted thereof, shall be liable to any of the punishments which the Court may award for the hereinbefore last mentioned.

Like punishment on destroying Trees, Shrubs, &c. in the Day-time, if the value exceeds 5 *l.*

Destroying or damaging Trees, Shrubs, &c wheresoever growing, and of any value under 5 *l.* punishable on summary conviction.

And be it Enacted, That if any person shall unlawfully and maliciously cut, break, root up, or otherwise destroy or damage the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the injury done being under the value of pounds, every such offender being convicted before one Justice of the peace, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding calendar months, as the convicting Justice shall think fit; and if such conviction shall take place before Justices, they may further order the offender, if a male, to be or publicly

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publicly or privately whipped, after the expiration of days from the time of such conviction.

Destroying, &c. any Fruit or Vegetable Production in a Garden, &c. punishable on summary conviction for first offence, second offence felony.

And be it Enacted, That if any person shall unlawfully and maliciously destroy, or damage with intant to destroy, any plant, fruit or vegetable production growing in any garden, orcbard, nursery ground, hot-house, green-house or conservatory, every such offender being convicted tbereof before a Justice of tbe peace, sball at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding calendar months, or else shall forfeit and pay the amount of the injury done, and also a sum of money not exceeding pounds, as to the Justice shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of and being convicted thereof, shall be liable to any of the punishments which the Court may award for the hereinbefore last-mentioned.

Destroying, &c. Vegetable Productions, not growing in Gardens, &c. imprisonment or fine;

And be it Enacted, That if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land open or inclosed, not being a garden, orchard or nursery ground, every such offender being convicted thereof before a Justice of the peace, shall at tbe discretion of the Justice, either be committed to the common gaol or bouse of correction, tbere to be imprisoned only, or to be imprisoned and kept to bard labour for any term not exceeding calendar months, or else shall forfeit and pay the amount of the injury done, and also such sum of money not exceeding shillings, as to the Justice shall seem meet; and in default of payment thereof, together with the costs, if ordered, shall be committed as aforesaid for any term not exceeding calendar months, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to he kept to hard labour for such term not exceeding calendar months, as tbe convicting Justice sha llthink fit; and if such subsequent conviction shall take place before two Justices, tbey may further order the offender, if a male, to be or publicly or privately whipped, after the expiration of days from the time of such conviction.

Second offence, imprisonment, and whipping.

Penalty on destroying, &c. any fence, wall, stile or gate, value of injury done,

And be it Enacted, That if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any fence of any description whatsoever, or any wall, stile or gate, or any part thereof, respectively, every such offender being convicted before a Justice of the

peace,

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together with any sum not exceeding 5*l.*

peace, shall for the first offence forfeit and pay the amount of the injury done, and also such sum of money not exceeding pounds, as to the Justice shall seem meet; and if any person so convicted, shall

Like subsequent offences punishable by 12 months imprisonment, &c.

afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding calendar months, as the convicting Justice shall think fit; and if such subsequent conviction shall take place before Justices, they may further order the offender,

and whipping.

if a male, to be or publicly or privately whipped after the expiration of days from the time of such conviction.

Persons possessed of Houses, under Leases, &c. who shall demolish or waste them, declared guilty of misdemeanor.

And be it Enacted, That every person who being possessed in any manner or right whatever, of any dwelling-house or other building, held under or by virtue of any lease or agreement, or for any term of years, or other less term, certain or at will (whether the possession of such dwelling-house or other building, or part of such dwelling-house or other building, shall have been obtained for the fraudulent and malicious purpose of pulling down or demolishing the same, or for any other purpose whatever), shall wilfully, fraudulently, or maliciously, and not for the purpose of any intended improvement or beneficial alteration thereto, pull down or demolish, or begin to pull down or demolish the same, or commit any other unlawful waste or destruction thereof or thereto, or shall pull down or sever from the freehold any fixture or utensil, being within or appurtenant to such dwelling-house or other building, or used or occupied therewith, or which in a due course of occupancy ought not to be so pulled down or severed from the freehold, or who shall wilfully and knowingly aid, abet, or assist in the same, or who shall wilfully and knowingly purchase, or contract to purchase the materials, or any part of the materials of which such dwelling-house or other building was constructed, or any fixture or utensil being within or appurtenant to any such dwelling-house, other building or part of such dwelling-house or other building, or used and occupied therewith, and which in due course of occupancy ought not to be pulled down and severed from the freehold, shall be deemed and is hereby declared to be guilty of a and shall be subject and liable on conviction thereof, to the like pains and penalties as in cases of

When suspicion is entertained of intent to demolish or injure Houses, owners, &c. may make oath thereof before a magistrate.

And be it Enacted, That in all cases where any dwelling-house or other building, or any part of any dwelling-house or other building, shall be held by virtue of any lease or agreement, or for any term of years, or other less term, certain or at will, whether the possession of such dwelling-house or other building, or any part of such dwelling-house or other building, shall have been obtained by fraud, or not, whenever it shall be suspected that any person or persons is or are about to pull down

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down or demolish, or to commit any unlawful waste or destruction upon such dwelling-house or other building, or part of such dwelling-house or other building, it shall and may be lawful to and for any owner, lessor or landlord thereof, or any other person or persons entitled to the same or interested in the preservation thereof, or for any trustee or agent acting upon the part or behalf of any owner, lessor, landlord or person so interested, to make and take an oath or affidavit in writing (or affirmation in writing, if a Quaker), before any one Justice of the peace, or Magistrate for the county, city, town, or other place within which such dwelling-house or building shall be situate, stating the belief and suspicion of the persons making such affidavit or affirmation, that some person or persons in the possession or occupation of such dwelling-house or other building, or of some part thereof, or by the permission or collusion of some person in the occupation of such dwelling-house or other building, or of some part of such dwelling-house or other building, hath or have an intention to commit, or do propose to commit some such wilful or fraudulent waste and destruction as is hereinbefore described, or if any such waste or destruction shall have been commenced there, that the same was fraudulent or malicious, and not for the purpose of any improvement or beneficial alteration in such dwelling-house or other building, or part of such dwelling-house or other building, and which oath and affirmation such Justice or Magistrate is hereby empowered and required to administer; and upon such affidavit or affirmation being made by such person or persons as aforesaid, it shall and may be lawful for such Justice or Magistrate to issue a notice in writing signed by him, stating that information on oath or affirmation has been received, that some person or persons occupying such dwelling-house or other building, or acting under or by the authority or permission of and in collusion with such occupier or occupiers of such dwelling-house or other building, intends or intend, or is or are about to commit wilful and fraudulent waste, by pulling down and destroying such dwelling-house or other building, or any part of such dwelling-house or other building, and cautioning and admonishing all such persons, and all persons whomsoever, not to proceed to pull down or destroy, or otherwise injure such dwelling-house or other building, or any part of such dwelling-house or other building, until special leave, licence and authority for that purpose shall be first procured from and given by the Justice or Magistrate by whom such notice shall be signed; and such notice shall be served on any and every person by whom it shall be suspected that such waste and destruction shall be intended to be committed, or by whom any such waste and destruction shall have been commenced, if such person can be found, and if not, then such notice shall be affixed on the principal door or entrance of such dwelling-house or other building; and every and any person who, after being duly served with such notice, or after such notice shall be posted on the principal door or entrance of such dwelling-house or other building, shall,

Magistrate shall thereupon give notice to the parties not to proceed without the licence of such magistrate.

Service of such notice.

Persons proceeding in demolishing Houses after such notice, guilty of misdemeanor.

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shall, without such leave, licence or authority as aforesaid, pull down or demolish, or shall begin to pull down or demolish, or shall proceed in pulling down or demolishing any such dwelling-house or other building, or any part of such dwelling-bouse or other building, or who shall wilfully and unlawfully aid, abet or assist in the pulling down or demolishing, or beginning to pull down or demolish, or proceeding in pulling down or demolishing of any such dwelling-bouse or other building, or any part of sucb dwelling-house or other building, or in committing any unlawful waste or destruction thereof or therein, shall be deemed and is hereby declared to be guilty of

Persons pulling down Houses after such notice may be apprehended and imprisoned until they give security not to proceed in such destruction, and to repair damages.

And be it further Enacted, That if any person shall, after the service of posting of sucb notice, hegin to pull down and destroy, or shall proceed in pulling down or destroying, or shall otherwise wilfully and maliciously injure and commit unlawful waste, in, on or to any such dwelling-house or other huilding, or any part of such dwelling-house or other building, or if any person or persons, having commenced any such waste, pulling down or destruction, shall not immediately desist from continuing and committing such offence, it shall and may be lawful for any Justice of the peace or Magistrate, and he is hereby authorized and required, to issue his warrant under his hand and seal, directed to any constable or constables, authorizing such constable or constahles to prevent such pulling down or destruction of sucb dwelling-house or other building, or any part of such dwelling-house or otber huilding, and to take into custody and apprehend every person present, aiding and assisting in such pulling down and destruction, and to bring all sucb persons before such Justice or Magistrate; aud it shall be lawful for such Justice or Magistrate to commit any such offender so taken and apprehended, to any neighbouring gaol or prison, there to remain without hail or mainprize, until such offender shall give good and sufficient security, hy recognizance, conditioned not to commit or proceed in committing such wilful waste and destruction; and in case any such waste and destruction shall have heen in part committed, then also conditioned to rebuild and repair sucb dwelling-bouse or other huilding, so as to leave the same in as good tenantable order and condition as such dwelling-house or other building was in, previous to the commission of such waste and destruction as aforesaid, and which recognizance, every such Justice or Magistrate is hereby authorized and required to take.

Persons may proceed in repairing Houses on giving security to magistrates.

Provided always, and be it further Enacted, That in case any tenant or occupier of any dwelling-house or other building, shall, on heing required so to do by any such Justice or Magistrate as aforesaid, enter into a good and sufficient security by recognizance, with two sufficient sureties, in such sum as sucb Justice or Magistrate shall require, conditioned to rebuild and repair any such dwelling-house or other huilding, within calendar months from the date of such recognizance,

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zance, and to put such dwelling-house or other building, in as tenantable state of repair, or in such the like state of repair, as the same was in previous to the commencement of any wilful waste and destruction thereof or therein; then and in every such case, it shall and may be lawful for such persons so entering into such recognizance, and their workmen and assistants, to proceed in making any repair or alterations and improvements of or in such dwelling-house or other building, as if this Act had not been made; any thing herein contained to the contrary notwithstanding.

Notice good, though not addressed to any person.

And be it further Enacted, That if any such notice as aforesaid, shall be personally served on any person as aforesaid, or in case personal service cannot be effected, if such notice shall be regularly posted according to the directions in this Act contained, on the door or principal entrance of any such dwelling-house or other building, such notice shall be deemed good and sufficient for the purposes of this Act, although such notice shall not be addressed to such person by his or her proper name, or by any name whatsoever.

Not to prevent persons from seeking relief by petition in Chancery, &c.

Provided always, and be it further Enacted, That nothing in this Act contained shall extend or be construed to extend to interrupt or interfere with the right of any person who may feel himself aggrieved by any order made by any Justice or Magistrate, relative to such wilful and malicious waste as hereinbefore mentioned, to prefer a petition to the Lord Chancellor of *Ireland*, or to His Majesty's court of Exchequer in *Ireland*, against the person or persons on whose behalf and application such Justice or Magistrate may have made such order, complaining of any grievance or injustice, arising out of such order, and seeking such relief as he may require; on which it shall be lawful for the Court to which such petition shall be presented, to make such order, either confirming or reversing or varying the order so complained of, as the justice of the case may require.

Not to affect former remedies of landlords.

Provided also, and be it Enacted, That nothing in this Act contained shall extend or be construed to extend to deprive any lessor, landlord or other person, of any remedy, either at law or in equity, which before the passing of this Act, such lessor, landlord or other person might legally or equitably have pursued against any person or persons whomsoever, either for the obtaining satisfaction for any injury sustained by such lessor, landlord or other person, or for preventing such injury, notwithstanding the offence by which such injury may be occasioned, shall be such as under this Act, to incur the penalty of a misdemeanor, as wilful or malicious waste to a dwelling-house or other building, or any part thereof; but it shall and may be lawful for any lessor, landlord or other person, to institute and pursue all or any of such remedies, and to receive satisfaction thereupon, in the same manner as if this Act had not

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been made; any thing in this Act contained to the contrary in anywise notwithstanding.

Persons committing damage to any property in any case, not previously provided for, may be compelled by a Justice to pay compensation, not exceeding 5*l.*

And be it Enacted, That if any person shall wilfully or maliciously commit any damage, injury or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is hereinbefore provided, every such person being convicted thereof before a Justice of the peace, shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury or spoil so committed, not exceeding the sum of pounds, which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence; and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a Justice of the peace under this Act is hereinafter directed to be applied; and if such sum of money, together with costs (if ordered) shall not be paid, either immediately after the conviction or within such period as the Justice shall at the time of the conviction appoint, the Justice may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the Justice shall think fit, for any term not exceeding calendar months, unless such sum and costs be sooner paid: Provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing or the pursuit of game; but that every such trespass shall be punishable in the same manner as before the passing of this Act.

Application of the money awarded.

Proviso

Proviso respecting the operation of Irish Corn Acts

Provided always, and be it Enacted, That nothing in this Act contained shall in any manner affect, or be deemed or construed to affect, any of the provisions contained in an Act passed in the Parliament of *Ireland*, in the eleventh year of the reign of his late Majesty King *George* the Third, intituled, "An Act for punishing such Persons as shall do "injuries and violences to the Persons or Properties of His Majesty's "Subjects, with intent to hinder the Exportation of Corn;" or in an Act passed in the Parliament of *Ireland*, in the fifteenth and sixteenth years of the same reign, intituled, "An Act to prevent and punish "tumultuous Risings of Persons within this Kingdom, and for other "Purposes therein mentioned;" or in an Act passed in the Parliament of *Ireland*, in the twenty-third and twenty-fourth years of the same reign, intituled, "An Act for the more effectually punishing such "Persons as shall by violence obstruct the Freedom of Corn Markets "and

11 G. 3 c 7.

15 & 16 G. 3. c. 21

23 & 24 G. 3. c. 20.

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" and the Corn Trade, or who shall be guilty of other Offences therein " mentioned, and for making Satisfaction to the Parties injured;" or in an Act passed in the Parliament of *Ireland*, in the twenty-seventh year of the same reign, intituled, " An Act to prevent tumultuous Risings " and Assemblies, and for the more effectual Punishment of Persons " guilty of Outrage, Riot and illegal Combination, and of administer- " ing and taking unlawful Oaths." 27 G. 3. c 15.

Malice against the owner not essential to any offence under this Act.

And be it Enacted, That every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

Principals in the second degree in felony, and accessories before the fact, punishable as principals in first degree.

Accessories after the fact imprisoned two years.

Abettors in misdemeanors punishable as principals.

And be it Enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding years; and every person who shall aid, abet, counsel or procure the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

The Court may for all offences within this Act order hard labour or solitary confinement.

And be it Enacted, That where any person shall be convicted of any indictable offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction; and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the Court in its discretion shall seem meet.

Persons in the act of committing any offence may be apprehended without a warrant.

AND for the more effectual apprehension of all offenders against this Act, BE it Enacted, That any person found committing any offence against this Act, whether the same be punishable upon indictment, or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighbouring Justice of the peace, to be dealt with according to law.

Limitation as to summary proceedings three months.

And be it Enacted, That the prosecution for every offence punishable on summary conviction under this Act, shall be commenced within

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Party aggrieved a competent witness.

calendar months after the commission of the offence, and not otherwise, and the evidence of the party aggrieved shall be admitted in proof of the offence.

Mode of compelling the appearance of persons punishable on summary conviction.

AND for the more effectual prosecution of offences punishable on summary conviction under this Act, BE it Enacted, That where any person shall be charged on the oath of a credible witness, before any Justice of the peace with any such offence, the Justice may summon the person charged to appear at a time and place to be named in such summons; and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving the same at his usual place of abode) the Justice may either proceed to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before such Justice, or some other Justice or Justices of the peace; or it shall and may be lawful for the Justice before whom the charge shall be made (if he shall so think fit) without any previous summons (unless where otherwise specially directed) to issue such warrant; and the Justice or Justices before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Abettors of offences punishable on summary conviction punishable as principals.

And be it Enacted, That where any offence is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every person who shall aid, abet, counsel or procure the commission of such offence shall, on conviction before a Justice of the peace, be liable for every offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a offence as a principal offender is by this Act made liable.

Application of forfeitures and penalties upon summary convictions.

AND with regard to the application of all forfeitures and penalties upon summary conviction under this Act, BE it Enacted, That every sum of money which shall be forfeited for the amount of any injury done (such amount to be assessed in each case by the convicting Justice or Justices), shall be paid to the party aggrieved, if known (except where such party shall have been examined in proof of the offence); and in such case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any Justice or Justices of the peace, whether in addition to such amount or otherwise, shall be paid, under the order of such Justice or Justices, to the treasurer of the infirmary of the county, city, town or place wherein such conviction shall take place, for the use of any such infirmary, in case there shall be any such infirmary established within or for such county, city, town

or

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or place; and in case there shall be no such infirmary, then to the treasurer or other proper officer of such other public charity, as such Justice or Justices shall, by his or their order, for that purpose direct: Provided always, That where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only; and the corresponding sum or sums forfeited by the other offender or offenders, shall be applied in the same manner as any penalty imposed by any Justice or Justices of the peace is hereinbefore directed to be applied. Proviso.

And be it Enacted, That in any case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Justice or Justices, shall not be paid either immediately after the conviction, or within such period as the Justice or Justices shall at the time of the conviction appoint, it shall be lawful for the convicting Justice or Justices (unless where otherwise specially directed) to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice or Justices, for any term not exceeding calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs (which the Justice or Justices is and are hereby authorized to award), shall not exceed pounds, or for any term not exceeding calendar months, where the amount of such forfeiture or penalty, or of both with costs shall not exceed pounds, and for any term not exceeding calendar months; in any other case the commitment to be determinable in each of the cases aforesaid, upon payment of the amount and costs. If a person summarily convicted shall not pay, &c. the Justice may commit him. Scale of imprisonment.

Provided always, and be it Enacted, That where any person shall be summarily convicted before a Justice or Justices of the peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the Justice or Justices, if he or they shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Justice or Justices. The Justice may discharge the offender in certain cases.

And be it Enacted, That it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to extend the royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for nonpayment of money to some party other than the Crown. Pardon for nonpayment of money.

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A summary conviction shall be a bar to any other proceeding for the same cause.

And be it Enacted, That in case any person convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs, if awarded under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings from the same cause.

Form of Conviction.

And be it Enacted, That the Justice or Justices before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require:

" BE it Remembered, That on the day of
" in the year of our Lord at
" in the county of [*or*, city
" town or place, *as the case may be*] *A. O.* is convicted before
" me *J. P.* one of His Majesty's Justices [*or*, before us *C. D.*
" and *E. F.* Justices of the peace for the said county [*or*,
" city, &c.] for that he the said *A. O.* did [*specify the offence,*
" *and the time and place when and where the same was committed,*
" *as the case may be, and on a second conviction, state the first*
" *conviction*]; and I, the said *J. P.* [*or*, we, the said *C. D.*
" and *E. F.*] adjudge the said *A. O.* for his said offence to be
" imprisoned in the [*or*, to be imprisoned in the
" and there kept to hard labour] for the space
" of [*or*, to forfeit and pay
" *here state the penalty actually imposed*, or *state the penalty,*
" *and also the amount of the injury done, as the case may be*]
" and also to pay the sum of for costs,
" and in default of immediate payment of the said sums, to be
" imprisoned in the [*or*, to be imprisoned in the
" and there kept to hard labour] for the space of
" unless the said sums be sooner paid [*or*, and I *or*, we order
" that the said sums shall be paid by the said *A. O.* on or
" before the day of] and I [*or*, we]
" direct that the said sum of (*i.e.* the
" penalty only) shall be paid to to be
" applied according to the directions of the statute in that case
" made and provided [*or*, that the said sum of (*i. e.*
" the penalty) shall be paid to, &c. *as before*] and that the said
" sum of (*i. e.* the sum for the amount of the
" injury done) shall be paid to *C. D.* [*the party aggrieved,*
" *unless he is unknown or has been examined in proof of the*
" *offence,*

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"*, offence, in which case state that fact and dispose of the "whole like the penalty, as before*] and I [*or*, we] order that "the said sum of for costs shall be paid to "[*the complainant*]. Given under my hand and "seal [*or*, our hands and seals] the day and year first above "written."

Appeal where the penalty exceeds 5 *l* or the imprisonment one month, or the conviction is before one Justice

And be it Enacted, That in all cases where the sum adjudged to be paid on any summary conviction, shall exceed pounds, or the imprisonment adjudged shall exceed calendar month, or the conviction shall take place before Justice only, any person who shall think himself aggrieved by any such conviction, may appeal to the next court of general quarter sessions, which shall be holden not less than days after the day of such conviction, for the county, city, town or place wherein the cause of complaint shall have arisen: Provided that such person shall give to the complainant a notice in writing, of such appeal, and of the cause and matter thereof, within days after such conviction, and clear days at the least before such sessions, and shall also either remain in custody until the sessions, or shall enter into a recognizance with sufficient sureties before a Justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into, shall liberate such person if in custody, and the court at such sessions, shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, such court shall order and adjudge the offender to be punished according to the conviction, and to pay such costs, if any, as shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

No Certiorari, &c.

And be it Enacted, That no such conviction for any adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by Certiorari, or otherwise, into any of His Majesty's superior courts of record; and no warrant of commitment shall be held void, by reason of any defect therein, provided it be therein alledged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Justices shall transmit convictions to quarter sessions.

And be it Enacted, That every Justice of the peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next court of general quarter sessions, which shall be holden for the county or place wherein the offences shall have been committed, there to be kept by the proper officer, among the records of

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the court; and upon any indictment or information, against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against, until the contrary be shown.

Venue in proceedings against persons acting under this Act.

AND for the protection of persons acting in the execution of this Act, BE it Enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the county where the fact was or is charged to have been committed, and shall be commenced within calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant calendar months at least, before the commencement of the action,

Notice of action.

General Issue, &c.

and in any such action the defendant may plead the general issue, or in case of any action of replevin may arise generally, that the goods and chattels in question were taken under and by virtue of this Act, and may give this Act and the special matter in evidence at the trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, nor if a sufficient sum of money shall have been paid into court, after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or avowant, or the plaintiff shall become nonsuited, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases, and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereon.

Not to extend to Great Britain.

Provided always, and be it Enacted, That nothing in this Act contained shall extend to that part of the United Kingdom called *Great Britain*.

Offences committed within the Admiralty jurisdiction shall be tried there.

And be it Enacted, That where any felony or misdemeanor punishable under this Act, shall be committed within the jurisdiction of the Admiralty of *Ireland*, the same shall be dealt with, inquired of, and determined, in the same manner as any other felony or misdemeanor committed within that jurisdiction.

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9 Geo. IV.—Sess. 1828.

(Ireland.)

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B I L L

For consolidating and amending the Laws in *Ireland*, relative to Malicious Injuries to Property.

Ordered, by The House of Commons, *to be Printed,*
1 *April* 1828.

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